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Robert Hazen
United States Environmental Protection Agency
290 Broadway, 16th Floor
New York, NY 10007

Dear Mr. Hazen,

This letter responds to the January 2015 letter from Region 2 of the United States Environmental Protection Agency ("EPA") to the New York City School Construction Authority ("SCA") and the New York City Department of Education ("DOE"), regarding New York City's proposed Preferred Citywide Remedy, as described in the May 24, 2013 Summary Report for the SCA Pilot Study to Address PCB Caulk in New York City School Buildings. The letter stated that EPA Region 2 believes that the five components listed below should be incorporated into the Preferred Citywide Remedy.

The City has thoroughly reviewed our Preferred Citywide Remedy in light of EPA Region 2's feedback, and, as a result, we have made several key revisions to our 2013 proposal. Accordingly, we enclose the revised Preferred Citywide Remedy, which incorporates EPA's January 2015 comments and lessons learned from the Pilot Study and has been updated to reflect the ongoing progress of the City's comprehensive PCB light ballast removal program.¹ A summary of the City's responses to the five components listed in EPA Region 2's January 2015 letter is set forth below.

Identify and Remove PCBs Regulated under the Toxic Substances Control Act.

City response: We have added a new section to the attached Preferred Citywide Remedy, Section 3 ("Removal of PCB Caulk and Other Materials"), to address this component. This new section is summarized below.

The Toxic Substance Control Act ("TSCA") requires that materials identified as PCB bulk product waste be removed or managed through a risk-based waiver upon EPA's approval. In accordance with EPA Region 2 guidance to the City (through discussions in early 2015) regarding EPA's national interpretation of the TSCA regulations, the City will remove all

¹ We also enclose a comparison between the revision and the original document, created in Delta View, for your convenience.

identified PCB bulk product waste. A list of these materials, and a Work Plan for their removal, is attached.

Also consistent with EPA Region 2 guidance to the City (through discussions in early 2015) regarding EPA's national interpretation of the TSCA regulations, the City is hereby seeking a risk-based approval from EPA pursuant to the PCB TSCA regulations, 40 C.F.R. § 761.61(c), to manage in place PCB remediation waste, because the Pilot Study has shown that the City's Best Management Practices are effective at managing PCBs from building materials.

The City will continue to remove PCB building materials in schools as renovations call for replacements of windows and other building materials. Prior to construction, SCA tests for PCBs in caulk that may be disturbed during renovation activities. Any materials identified as containing PCBs are listed in the reports pursuant to Local Law 69 (2011), which are submitted to the New York City Council every year. These reports are also posted on the SCA's PCBs website, <http://www.nycsca.org/Community/Programs/EPA-NYC-PCB/Pages/default.aspx>. These reports track the progress of the construction projects that include the removal of these materials.

Prioritize Schools for Investigation.

City response: We have added another new subsection to the attached Preferred Citywide Remedy, Subsection 7.1 ("Additional Air Sampling"), to address this component. As discussed in Subsection 7.1, the City's proposal for additional testing of non-pilot schools is based on the results of the Pilot Study, which showed that only one of the five Pilot Schools, P.S. 199M, demonstrated persistent PCB air levels above EPA guidance in primary exposure areas after light ballasts had been removed and Best Management Practices implemented. Thus, the City proposes a risk-based approach to further investigation, conducting additional air sampling to determine whether other schools may be similar to P.S. 199M in this respect.

In developing this proposal, SCA reviewed the architectural plans, and the architects and general contractors, of schools that were designed and constructed around the same time as P.S. 199M to identify other, potentially similar schools for this additional air sampling. Under the attached Proposed Sampling Plan, this additional air sampling will begin at two of these identified schools. Depending on the initial results, the Proposed Sampling Plan contemplates that more schools may also be sampled. The results of this sampling will inform whether to add additional remedial activities at these schools—and, if the investigation indicates that such additional remedial activities are appropriate, at other, similar schools, through the Citywide PCB Management Plan—in order to ensure that PCB air levels at all City schools are consistently below EPA guidance levels. The Citywide PCB Management Plan will be designed with flexibility to implement such additional remedial measures in these and, possibly, other similar schools, as appropriate.

Perform Indoor Sampling in the Prioritized Schools.

City response: As discussed in Subsection 7.1 of the attached Preferred Citywide Remedy, and in the attached proposed sampling plan, the City will perform indoor air sampling in the prioritized schools as described above. In addition, as discussed in Section 9 ("Long Term Monitoring") of the Preferred Citywide Remedy, the City will also continue the indoor air sampling previously approved by EPA Region 2 as part of the Long Term Monitoring Plan for the Pilot Schools.

Address PCBs Identified through the Indoor Air Sampling.

City response: As discussed in Subsection 7.1 of the attached Preferred Citywide Remedy, the City will perform additional remedial activities if air sampling shows PCB levels above EPA guidance levels. Further, the City will continue to remove materials identified as PCB bulk product waste.

Optimize Ventilation.

City response: As discussed in Subsection 4.2 (“Heating Ventilation and Air Conditioning Maintenance”) of the attached Preferred Citywide Remedy, the Best Management Practices previously approved by EPA Region 2 include measures to assure that current ventilation systems are operating properly in all City schools. In February 2015, the City raised to EPA the possibility that deficiencies in heating, ventilation, and air conditioning (“HVAC”) systems may have been underreported by Custodial Engineers/Buildings Managers (“CE/BMs”). Since that time, DOE has conducted a CE/BM survey and identified ten school buildings built from 1950-78 that have longstanding partial or complete deficiencies in their HVAC systems with no pre-existing plan for repair. DOE is currently conducting further investigations as to the scope of these deficiencies and will work to address them expeditiously.

In addition, as discussed in Section 8 (“Ventilation Upgrades”) of the attached Preferred Citywide Remedy, in order to facilitate greater ventilation in schools, SCA is exploring the possibility of modifying new windows to allow such windows to be opened from the top.

We are confident that the proposed Preferred Citywide Remedy, as modified in response to EPA Region 2’s feedback, sets forth a rigorous, risk-based approach to addressing PCBs in City schools.

Sincerely,



Amy McCamphill
Senior Counsel
Environmental Law Division

CC: Ross Holden, New York City School Construction Authority
Judy Nathan, New York City Department of Education